

# **Attachment O**

**Inspection Report -  
129 Harrington Street, The Rocks**



**Council investigation officer Inspection and Recommendation Report  
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act  
1979 (the Act)**

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**File: CSM 2120103**

**Officer: M. Merlino**

**Date: 23/7/2019**

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**Premises: 129 Harrington Street, The Rocks**

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 11 July 2019 in relation to the subject premises with respect to matters of fire safety.

The premises was built in 2003 and consists of a 54 storey building (including 9 below ground levels) with a height of 172m known as "The Cove Apartments". The building is used for residential apartments, offices, associated carpark and a ground level heritage bar and restaurant.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains minor fire safety "maintenance and management" work to attend to such as the replacement of a faded hydrant block plan within the fire control room, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

FRNSW raised issues relating to the buildings existing fire hydrant system which was originally installed to exceed the applicable standard at the time of installation. FRNSW have advised that they no longer use portable relay pumps for internal booster relay connections. However it is noted that the building provides provision for portable relay pumps in addition to a permanent onsite fire pump at each relay booster which is above the standard required for the hydrant system when it was installed.

Further clarification has been sought from FRNSW in the form of written correspondence as to how the hydrant system may inhibit their operations. Once clarification has been received from FRNSW as to their desired design requirements, the Council investigation officer will review and act accordingly.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

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**Chronology:**

Date	Event
11/7/2019	FRNSW correspondence received regarding premises 129 Harrington Street, The Rocks.
19/7/2019	<p>An inspection of the subject premises was undertaken by a Council officer which revealed:</p> <ul style="list-style-type: none"><li>• The building is provided with a fire hydrant system that appeared to be compliant to the standard applicable at the time of installation and in some areas exceeded the required standard.</li><li>• The fire hydrant system has the capacity to operate without the need for a portable relay pump via operation of the existing permanent fixed onsite relay booster electric pumps.</li><li>• The building is provided with a current and compliant Annual Fire Safety Statement that was on display.</li><li>• The buildings EWIS and FIP were fault free.</li><li>• The buildings fire hydrant block plan located in the fire control room was faded and needs to be replaced.</li></ul>
19/7/2019	Correspondence was sent from the Council investigation officer to FRNSW requesting clarification in relation to their correspondence and operational needs of the buildings fire hydrant system, noting that the hydrant system has the capacity to operate without the need for portable relay pumps contrary to their correspondence.

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS19/1964, D19/; 2019/350421]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about "*Mid-level booster point requiring portable pumps to be brought to the site by FRNSW*" on 14 June 2019.

Issues:

The report from FRNSW detailed a number of issues, in particular noting:

1. Previous adopted Australian Standards for fire hydrants permitted the use of an internal booster connection for portable relay pumps to be installed in buildings over 75m in height to provide pressurised water for firefighting operations. FRNSW advise that the use of portable relay pumps no longer suit the operational needs of FRNSW;
2. The fire hydrant block plan was faded.

FRNSW Recommendations:

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Upgrade the fire hydrant system to operate without the need for a portable relay pump;
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

4. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

**COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Seek further clarification from FRNSW and act accordingly
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As a result of a site inspection undertaken by Council investigation officers, it is recommended that Council wait for a response from FRNSW for further clarification in relation to the buildings existing fire hydrant system regarding FRNSW actual operational and design requirements mentioned in their correspondence and review and act accordingly.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/367520-01
A2.	Locality Plan	2019/367520-02
A3	Attachment cover sheet	2019/367520-03

**Trim Reference:** 2019/367520

**CSM reference No#:** 2120103





File Ref. No: BFS19/1964  
TRIM Ref. No: D19/  
Contact: [REDACTED]

11 July 2019

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam

**Re: INSPECTION REPORT  
THE COVE APARTMENTS  
129 HARRINGTON STREET THE ROCKS ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 14 June 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

- *Mid-level booster point requiring portable pumps to be brought to the site by FRNSW.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 2 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

The following items were identified as concerns during the inspection:

1. Fire Hydrant System

- 1A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW;
- 1B. The fire hydrant block plan was in the form of a laminated sheet that had faded and is considered illegible contrary to the intent of Clause 7.11 of AS2419.1-2005.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/1964 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit